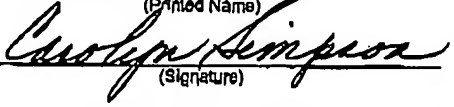


Atty. Dkt. No. 032016-0128

Application No. 10/763,726

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Majchrzak et al.
Title: FOOD CONTAINER
Appl. No.: 10/763,726
Filing Date: 01/23/2004
Examiner: Pelham, Joseph Moore
Art Unit: 3742

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. Carolyn Simpson (Printed Name)  (Signature) November 14, 2005 (Date of Deposit)

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FAX RECEIVED

NOV 14 2005

OFFICE OF PETITIONS

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

Atty. Dkt. No. 032016-0128

Application No. 10/763,726

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), within three (3) months of the filing date of a Request for Continued Examination (RCE).

RELEVANCE OF EACH DOCUMENT

An English abstract for JP 2000-175781 states: "PROBLEM TO BE SOLVED: To display food in exposed state favorably in view of sanitation, keep the good in its hot state from the oven and prevent deterioration of food by incorporating a filter for removing dust in the air and a means for blowing air above the food at a designated flow velocity without spraying the air passed through the filter to the food. SOLUTION: Air on a shelf 6 is blown out through a filter 10 on a hood 8 by a shelf blower 12 installed between an outer layer partition plate 3 and an inner layer partition plate 4. The air blown above the hood 8 is discharged without being sprayed to the food displayed on the shelf 6, and allowed to flow in between the outer layer partition plate 3 and the inner layer partition plate 4 by a suction port 1 formed on the lower side of the hood 8. Humidified air is allowed to flow in through a discharge port 17 of a humidifying device 15 between the outer layer partition plate 3 and the inner layer partition plate 4, and further the humidified air is heated by a heater 14. Thus, the humidified to air is blown out on the shelf 6."

An English translation of the foreign-language document is not readily available. However, the absence of such translation does not relieve the PTO from its duty to consider the submitted foreign language document (37 CFR §1.98 and MPEP §609).

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Atty. Dkt. No. 032016-0128

Application No. 10/763,726

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

Respectfully submitted,

Date Nov 14, 2005By Scott C. Nielson

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Attorney for Applicant

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MODIFIED PTO/SB/08 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449B/PTO			Complete If Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT			Application Number	10/763,726
			Filing Date	01/23/2004
Date Submitted: November 14, 2005			First Named Inventor	Michael Majchrzak
			Group Art Unit	3742
(use as many sheets as necessary)			Examiner Name	Pelham, Joseph Moore
			Attorney Docket Number	032016-0128
Sheet	1	of	1	

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	A1	2003/0172670	A1	Vornedal	09-18-2003	
	A2	6,742,344	B2	Vornedal	06-01-2004	
	A3	4,386,558		Holman et al.	06-07-1983	

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FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	A4	WO	00/36958	A1	Nuttall et al.	06-29-2000		
	A5	JP	2000-175781	A	Sakata et al.	06-27-2000		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A6	International Search Report for Application No. PCT/US2005/002129, 11/02/2005, 10 pages.	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 608. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.